

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MONICA PERRYMAN,

Plaintiff

v.

**FIRST UNITED METHODIST
CHURCH and DARLENE MAYE,**

Defendants

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Case No. 2:06-cv-216-MHT

AFFIDAVIT OF R. BRETT GARRETT

STATE OF ALABAMA

MONTGOMERY COUNTY

Before me, the undersigned Notary Public in and for said state and county, personally appeared R. Brett Garrett, who is known to me and who being by me first duly sworn, deposes and states as follows:

1. I am R. Brett Garrett, one of the attorneys for the Defendants First United Methodist Church and Darlene Maye in this action. I give this affidavit as directed in the Opinion and Sanctions Order issued by the Court on March 12, 2007 in order to set forth the fees and expenses incurred by me and by our firm in attempting to secure Plaintiff's counsel's cooperation in the preparation of a pretrial order, our expenses in attendance at the pretrial hearing and the expenses incurred relating to the sanctions issue.

2. Of the attorneys representing the Defendants in this action, I was primarily responsible for communicating with Mr. Hurst with respect to preparation of the pretrial order. On January 24, 2007, I prepared a letter to Mr. Hurst explaining his responsibility for submitting a pretrial order with Plaintiff's contentions and enclosed a proposed order with the Defendants' contentions addressed. On January 26, 2007, I conducted a telephone conference with Judge Thompson's assistant regarding Plaintiff's failure to file a timely pretrial order. I subsequently submitted a proposed pretrial order with Defendants' contentions to the Court.

3. In preparation for the pretrial hearing and potential oral argument of our pending motion for summary judgment, I reviewed the deposition transcripts of Monica Perryman, Darlene Maye, and Phillip Saunders. I also reviewed our brief in support of motion for summary judgment as well as Plaintiff's belated response.

4. I attended the pretrial conference on January 29, 2007. When Mr. Hurst did not appear for the conference, I was instructed by the Court to state into the record those efforts made prior to the pretrial conference to contact Mr. Hurst. Robert Huffaker made an oral motion to dismiss the case at the pretrial conference. Judge Thompson directed Mr. Huffaker to subsequently file a written motion. I researched the dismissal issues and prepared a memorandum to Mr. Huffaker in preparation for filing a motion to dismiss on the afternoon of January 29, 2007.

5. On January 30, 2007, the Court issued a show cause order setting a hearing on this matter on February 7, 2007. In advance of the hearing, I met with Mr. Huffaker, as well as my legal assistant, Kristi Lee, to discuss the circumstances surrounding the preparation of the pretrial order, the attempted contacts with Mr. Hurst, and to otherwise prepare for the hearing. I attended the show cause hearing on February 7, 2007 with Mr. Huffaker and Ms. Lee. After the hearing, I continued to monitor filings in this case for the next several weeks to determine whether Mr. Hurst submitted a

pretrial order to the Court. I also reviewed an order from the Court continuing trial in this matter as well as Plaintiff's response to Defendants' motion to dismiss.

6. On March 12, 2007, I received and reviewed the Opinion and Sanctions Order of the Court. In order to prepare an affidavit as directed by the Court, I reviewed our files and billing records. The time which I have incurred in connection with the preparation of the pretrial order, attendance at the pretrial hearing and the sanctions issue is as follows:

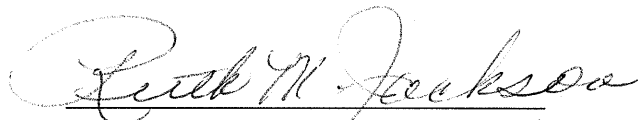
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|-----|---|---------|
| (a) | Preparation for pretrial hearing including potential oral argument of pending motion for summary judgment | 4.6 |
| (b) | Attendance at pretrial hearing | 1.4 |
| (c) | Research regarding sanctions issue and attendance at show cause hearing | 3.9 |
| (d) | Preparation of affidavit in response to Court Order | 1.0 |
| (e) | Expenses for copying: | \$20.00 |

7. Mr. Huffaker and I are members of the First United Methodist Church. We agreed to represent First United Methodist Church and Darlene Maye on a pro bono basis with the Church being responsible only for payment of our firm's expenses. My customary hourly rate for cases of this nature would be in the range of \$125.00 to \$150.00 per hour.



R. Brett Garrett

SWORN TO and SUBSCRIBED before me on this the 19th day of March, 2007.



Notary Public

My Commission expires: 3/24/07

(SEAL)